IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2337 OF 2006

Aishabai & Haji Abdul Latif Charitable Trust & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. C.K. Thomas i/b. C.K. Thomas & Associates for the petitioners.
Mr. K.R. Belosey, AGP for the respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 11th September, 2006

P.C.

. Rule. Heard forthwith.

2. The grievance of the petitioner is that they have applied to the respondents to be treated as a religious minority. That application has not been disposed of and consequently the present petition.

3. A similar issue had came before this Court in Writ Petition No. 1892 of 2006. We have disposed of the same by order dated 26th July, 2006. In view of the order passed in Writ Petition No. 1892 of 2006, the following order :-

i. As the respondent No. 1 has already

recognised the secondary school run by the petitioner No. 1 as minority institution, prima facie it presupposes that the petitioner No. 1 meets the requirements of minority institution as provided under Article 30(1) of the Constitution of India.

ii. As the petitioner No. 2 has been established and administered by petitioner No. 1, primafacie we see no reason as to why in the ensuing academic year, the petitioners should not admit students on the basis of it being a minority institution.

iii. In the meantime, it will be open to the respondents to examine the application of the petitioners in terms of the rules framed and thereafter dispose of the same according to law.

iv. If respondents come to the conclusion that the petitioners do not meet the requirements of minority as set out in Article 30(1), then the petitioner No. 2 would not be entitled to the said status. However, for the present academic year, the students admitted will not be affected.

v. If respondent No. 1 accepts the petitioner

No. 2 as a minority institution, it will be continued to enjoy all facilities for all purposes thereafter.

vi. Rule made absolute accordingly. No order as to costs.

vii. All authorities to act on authenticated copy of this order.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]